

## CITY COMMISSION MINUTES

June 3, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, June 3, 2008 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Attorney Christina Cook, City Clerk Tricia Gowen, and City Attorney Catherine Logan.

### PLEDGE OF ALLEGIANCE

### CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the Consent Agenda as amended. (Item 3o pulled for separate action.) Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **May 20, 2008**, City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinance** dated May 15, 2008, through May 29, 2008, in the amount of \$1,438,201.63.
- c. The consideration and approval of **Ordinance S-3011** to change Shoffner Road to West Acres Drive. (Final Reading)
- d. The consideration and approval of **Pay Request #7** by Walters-Morgan Construction for services through May 20, 2008, for the Drainage Ditch Improvements Project, in the amount of \$309,587.23. (KDOT will reimburse 75% or \$232,190.42)
- e. The consideration and approval of **2008 Speaker's Bureau Funds for Kids Day-Sundown Salute**, in the amount of \$7,000.00 to host Freestyle Motocross Riders and Cowboy Kenny and the amount of \$5,000.00 for the Summer G.R.E.A.T. Program. (There is no City match for these funds.)
- f. The consideration and approval of **Pay Request #1** by Smoky Hill, LLC., for services completed through April 30, 2008, for storm sewer improvements to serve West Ash Street, McFarland Road, Lockstone Court, Republican River and Wal-Mart, in the amount of \$167,669.30. (Project is 99% complete.)
- g. The consideration and approval of **Pay Request #4** by L. Blixt Construction for services completed through May 15, 2008, for New Horizon's RV Site Improvements, in the amount of \$38,926.75.
- h. The consideration and approval of **Pay Request #3** by Gene Fritzel Construction for services completed through May 18, 2008, for the Rucker Road – Church to Olivia Farms, in the amount of \$198,349.70. (Project is 100% complete.)

- i. The consideration and approval of **Kansas Department of Agriculture, Division of Water Resources Permit No. LGE-0091** to be recorded with the Register of Deeds for professional services by Kaw Valley to develop Kaw Valley Industrial Park.
- j. The consideration and approval of **Request for Bid Date** for June 17, 2008, by BG Consultants for Rucker Road – US77 to Whitney.
- k. The consideration and approval of **Request for Bid Date** for June 17, 2008, by Kaw Valley Engineering for Spring Valley Road-McFarland Road to Wildcat Lane.
- l. The consideration and approval of **Request for Bid Date** for June 17, 2008, by Kaw Valley Engineering for K-18 and Karns. **(PULLED FROM AGENDA.)**
- m. The consideration and approval of the following **Waivers for Sundown Salute** for July 2, 2008, through July 6, 2008:
  - 1. **Noise Ordinance** for July 2, 2008, through July 6, 2008.
  - 2. **Animal Ordinance:** Request all animals and reptiles be banned from Heritage Park and all areas being used by Sundown Salute. This ban would not apply to seeing eye dogs and those animals contracted by Sundown Salute, Inc., or the Junction City Police Department.
  - 3. **Resident, Transient and Itinerant Peddler Ordinance:** Request that craft and food vendors be allowed to set up and sell their products in Heritage Park and all areas being used by Sundown Salute from July 1, 2008, through July 6, 2008 without City license.
  - 4. **Cereal Malt Beverage/Alcoholic Liquor:** Request authorization for the sale, possession and/or consumption of cereal malt beverages/alcoholic liquor within Heritage Park from July 2, 2008, through July 6, 2008 and also from 0001 hours to 0100 hours on July 6, 2008, with approval of Alcohol Beverage Control.
  - 5. **Fireworks:** Request authorization to discharge fireworks at approximately 10:00 p.m. on July 3, 2008, and July 4, 2008, from the 200 block of East 6<sup>th</sup> Street. Fireworks will be banned in Heritage Park and within 500 feet of Heritage Park.
  - 6. **Bicycles/Skateboards:** Request authorization to ban bicycles and skateboards in Heritage Park from July 1, 2008, through July 6, 2008.
- n. The consideration and approval of **Payroll Requests #10 and #11** in the amounts of \$212,351.27 (#10, May 9, 2008) and \$215,088.42 (#11, May 23, 2008).
- o. The consideration and approval of **R-2471** to purchase property at 215 E. 14<sup>th</sup> Street for Self Help Housing, in the amount of \$15,000.00. **(REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION)**
- p. The consideration and approval of **Construction Observation Agreement** by HWS for Buffalo Soldier Sidewalk Improvements Project, in an amount not to exceed \$7,500.00.
- q. The consideration and approval of **Extension of Time** for property at 130 E. 1<sup>st</sup> Street to make necessary repairs required by the Code Enforcement Department. (Property was set for condemnation March 13, 2008.)

- r. The consideration and approval of **R-2473** to purchase property at 230 E. 12<sup>th</sup> Street for Self Help Housing, in an amount not to exceed \$10,000.00.

### SEPARATE ACTION

- o. The consideration and approval of **R-2471** to purchase property at 215 E. 14<sup>th</sup> Street for Self Help Housing, in the amount of \$15,000.00. Commissioner Talley was concerned that this property was appraised by the County at \$12,600.00 and the City was purchasing it for \$15,000.00. Commissioner Talley moved, seconded by Commissioner Taylor to disapprove R-2471 to purchase property at 215 E. 14<sup>th</sup> Street for Self Help Housing in the amount of \$15,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

### SPECIAL PRESENTATIONS

- a. Special presentation by the Mayor of Juneteenth Proclamation. Mayor Wunder presented Joniece Pitts with the Juneteenth Proclamation. Ms. Pitts invited the public to join the Juneteenth celebration on June 13<sup>th</sup>. The parade will begin at 6 p.m. and will include the Marching Cobras from Kansas City. The Junction City Generals will dedicate that night's ball game in honor of Juneteenth.

### NEW BUSINESS

- a. The consideration and approval of **Change Order #3** by Smoky Hill Construction, in the amount of \$1,200.00, for 40 linear feet of concrete encasement on the 18 inch sanitary sewer for the interceptor sewer to serve Tom Neal Industrial Park. Commissioner Talley moved, seconded by Commissioner Taylor to approve Change Order #3 by Smoky Hill Construction in the amount of \$1,200.00 for 40 linear feet of concrete encasement on the 18-inch sanitary sewer for the interceptor sewer to serve Tom Neal Industrial Park. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Commission requested that a Change Order Request be brought to the Commission for the reduction of the other contract.
- b. The consideration and approval of **Ordinance S-3007** requesting rezoning approval by Jim Sharp, American Community Development Partners, for a portion of property generally located east of Taylor Road and north of I-70 from General Residential (RG) District to Multiple-Family Residential (RM) District. (MPC voted five to four in approval) (First Reading). Jim Sharp, Jacksonville, Oregon, spoke to the Commission regarding his rezoning request. Mr. Sharp has had a feasibility and marketing study done at his expense to study the housing market in Junction City. Mr. Sharp stated that he will share the results of the study once it is published. Mr. Sharp stated that he is not asking the City to pay for infrastructure and once everything is completed, will donate the infrastructure back to the City. Mr. Sharp would like to utilize a section of the property to build a multi-family community and a community for the citizens 55 years of age and older. The communities will be responsible for the green spaces and the bodies of water. Mr. Sharp is currently in the process of developing five other projects that are similar to the one he is proposing for Junction City. Mr. Sharp stated that he is giving up 500 approved lots to build a better structure to meet the City's housing needs. Mr. Sharp stated that he presented a development agreement approximately two years ago and that he will put money up for the interchange for Taylor Road and Interstate 70. Mr. Sharp stated that he

has given the MPC the site plans for the project. Mr. Sharp is attempting to keep the 55 community within HUD standards for rents. The rent prices for the community outside the 55 community is driven by the community needs. Mr. Sharp stated that he doesn't feel that financial information is appropriate for the rezoning request. Mr. Sharp stated that he has not been asked, now or ever, or required to provide financial information regarding his company to show that it is economically viable in connection with the rezoning request. He has been asked about the financials in conjunction with the Taylor Road – Interstate 70 interchange project and has provided that information with regards to the interchange. Mr. Sharp informed the Commission that he is not asking for any City funds, bonds, assistance, etc. Commissioner Talley expressed concern with the infrastructure costs of one to two million dollars. Commissioner Taylor stated that he doesn't see the need for this type (RM) of housing in the community. Commissioner Taylor is concerned with the empty lots around town and that the project will get started and then be abandoned. He doesn't want to take another chance that the land won't be developed. Commissioner Talley is also concerned that there is not a development agreement in place stating the changes Mr. Sharp is requesting. He doesn't feel the Commission has received good information from the MPC. City Manager, Rod Barnes, stated that American Community Development has submitted financial documents and they are currently under review by the City Attorney. The City is dealing with the Bond Council for review as well. The infrastructure must be built to City specifications and the Bond Council must review as well. Mr. Barnes stated that KDOT is receptive to the interchange project as long as they do not have to fund it. Mr. Barnes informed the Commission that the interchange project is not a condition as part of the American Community Development project. City Attorney, Katie Logan, stated that the City can require developers to conduct a feasibility study for the impact of increased traffic and cars. Mayor Wunder is concerned about not having a concrete amount for rents and prices. He is also concerned with taxes and where the City's budget is at and feels the Commission can not approve the request without financial information from American Community Development. Mayor Wunder stated that the Commission is being prudent and taking into consideration the community needs. He stated he doesn't feel that apartments are the way to go. Mayor Wunder stated that he would like the financials and the plans before voting on the motion. Commissioner Talley stated the density factor and the public information and services need to be taken into consideration. Commissioner Rhodes stated that he wants to see more information and concrete information on the density study. He also wants more information from the MPC on why they voted the way they did. Commissioner Heldstab stated that he likes the idea of senior housing. However, he is hesitant about approving this project with other projects being vacant. Commissioner Talley moved, seconded by Commissioner Taylor to disapprove Ordinance S-3007 requesting rezoning approval by Jim Sharp, American Community Development Partners for a portion of property generally located east of Taylor Road and north of I-70 from General Residential (RG) District to Multiple-Family Residential (RM) District. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: Rhodes. Motion carried four to one. Commissioner Rhodes stated he voted against the motion because he wanted more information from the MPC on the reasons why they voted five to four.

- c. The consideration and approval of **Ordinance S-3008** requesting rezoning approval by Jim Sharp, American Community Development Partners, for a portion of property generally located west of Hickory Hill Addition from General Residential (RG) District to Multiple-family Residential (RM) District. (MPC voted six to three in approval) (First Reading). Commissioner Talley moved, seconded by Commissioner Taylor to disapprove

Ordinance S-3008 requesting rezoning approval by Jim Sharp, American Community Development Partners for a portion of property generally located west of Hickory Hill Addition from General Residential (RG) District to Multiple-Family Residential (RM) District. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: Rhodes. Motion carried four to one. Commissioner Rhodes stated he voted against the motion because he wanted more information from the MPC on the reasons why they voted six to three.

## GENERAL DISCUSSION

*(The Commission requests that comments be limited to a maximum of five minutes for each person).*

**George Marcus – 1538 McFarland Road, Junction City, KS.** Mr. Marcus stated that he appreciated the comments on the American Community Development issue. He recalled that approximately three years ago, there was a developer's meeting held to determine the housing need. Mr. Marcus feels that there is excess in our community in several capacities and thinks a moratorium should be put in place for housing.

**Scott Johnson – 602 Stone Ridge Drive, Junction City, KS.** Mr. Johnson stated that he agrees with Mr. Marcus' comments and feels there is a surplus of lots that need to be built on.

## COMMISSIONER COMMENTS

**Commissioner Taylor** stated that he was in Pleasanton, Kansas and he heard from a woman who had visited Junction City and commented positively on her stay at the Marriott and her visit to our community. Commissioner Taylor stated he was proud of our community when he heard those comments. Commissioner Taylor also stated that in reference to the action the Commission took with American Community Development's rezoning request; Mr. Sharp has not been prohibited from building single family dwellings on the land.

**Mayor Wunder** stated that he appreciated City Attorney, Katie Logan's, frank comments this evening regarding the rezoning request by American Community Development.

## STAFF COMMENTS

**City Manager Rod Barnes** stated the following:

- On Wednesday, June 4<sup>th</sup>, Jackson Street will be closed from Sixth Street south to the alley. The alley will be open to traffic.
- The Mayor's Task Force Retreat is scheduled for Monday, June 23<sup>rd</sup> at 3 p.m. and will be held at the Convention Center. The retreat is expected to last until approximately 9 p.m.
- Notice has been received from USDA Rural Development and Military Affairs of the Fort Riley Regional Initiative Information meeting to be held on July 1<sup>st</sup> at 10 a.m. at the Convention Center. Commissioners will receive a formal invitation.
- The following vacancies exist on Advisory Boards:
  - Public Housing – one vacancy

- Historic Preservation – one vacancy
- Golf Course Advisory Board – three vacancies (two applications received)
- Airport Board – two vacancies (one application received)
- June 7<sup>th</sup> – Junction City Spartans opening game
- June 10<sup>th</sup> – Budget Work Session at 6 p.m.
- June 13<sup>th</sup> – Governor's Cup, Rolling Meadows Golf Course
- June 23<sup>rd</sup> – Mayor's Task Force Retreat at the Convention Center at 3 p.m.
- June 30<sup>th</sup> – Sundown Salute Sponsor's Dinner at Washington Street Grille
- July 2<sup>nd</sup> – Sundown Salute Gala, Municipal Auditorium

## EXECUTIVE SESSION

Commissioner Heldstab moved, seconded by Commissioner Talley to adjourn into executive session at 8:23 p.m. to reconvene by 8:33 p.m. to discuss matters related the acquisition of real estate. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the Commission, City Manager, Assistant City Manager, and City Attorney.

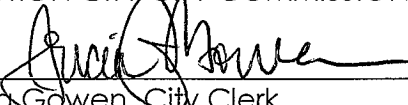
Commissioner Rhodes moved, seconded by Commissioner Heldstab to reconvene into regular session at 8:28 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

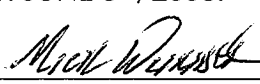
Commissioner Rhodes moved, seconded by Commissioner Taylor to approve City staff to enter into negotiations for the right-of-way expansion of Rucker Road. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Heldstab to adjourn at 8:29 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 17<sup>th</sup> DAY OF JUNE, 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR JUNE 3<sup>rd</sup>, 2008.

  
Tricia Gowen, City Clerk

  
Mick Wunder, Mayor